

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83894 of 2023**

Arising Out of PS. Case No.-86 Year-2021 Thana- KISHANPUR District-
Supaul

- =====
1. MD. IMAMUDDIN @ IMAMUDDIN SON OF MAHMOOD @ MOHI
RESIDENT OF VILLAGE- THERBITTA, EAST, PS- KISHANPUR, DISTT-
SUPAUL
 2. MD. MEHDI SON OF MD. YUNUS RESIDENT OF VILLAGE- THERBITTA,
EAST, PS- KISHANPUR, DISTT- SUPAUL
 3. MD. SOHEL @ MUNNA SON OF MD. NIZAMUDDIN @ NAZAMUDDIN
RESIDENT OF VILLAGE- THERBITTA, EAST, PS- KISHANPUR, DISTT-
SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Bal Krishna Mishra, learned counsel for the

petitioners and Mr. Murli Dhar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Kishanpur P.S. Case No. 86 of 2021 registered for the offence

under Sections 341, 323, 353 and 34 of the Indian Penal Code.

The petitioners are alleged to have caused disturbance

in construction work being carried out by the office of

Rehabilitation Officer, Koshi Project, Supaul on Khesra No. 742 by

erecting a board of Madars on the said land.

Learned counsel appearing for the petitioners submits



that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that as per the allegation in the F.I.R., the petitioners are causing disturbance in the construction work. He further submits that it appear from the F.I.R. that no specific allegation of any overt act is attributed to the petitioners rather there is general and omnibus allegation leveled against the accused persons including the petitioners and the petitioners have no personal interest in the Madarsa in question. He further submits that they have falsely been made accused in this case by the Rehabilitation Officer, Supaul due to previous enmity.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul in connection with Kishanpur P.S. Case No. 86 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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